

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD NOVEMBER 10, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

VDOT PROJECT STATUS UPDATE

David Cubbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

A WORK SESSION TO DISCUSS THE STATUS AND SCHEDULES FOR THE NEW BALTIMORE SEWER AND THE PARIS WATER PROJECTS, THE PROPOSED OPAL WATER PROJECT, FUNDING OF FUTURE PROJECTS, AND OTHER MATTERS OF MUTUAL INTEREST

Fauquier County Water and Sanitation Authority Chairman Paul Blackmer, Secretary/Treasurer Earl Douple, and Authority Director Barney Durrett, discussed the status and schedules for the New Baltimore Sewer and the Paris Water Projects, the proposed Opal Water Project, and funding of future projects.

FIRE RESCUE AND EMERGENCY SERVICES LONG RANGE SERVICE PLAN

Philip T. Myer, Chief of the Office of Emergency Services, discussed the primary elements of the Fire Rescue and Emergency Services Long Range Service Plan. The work session was continued until the next regular Board meeting meeting on December 8, 2005.

A WORK SESSION TO REVIEW THE CLASSIFICATION AND COMPENSATION PAY PLAN FOR FAUQUIER COUNTY GOVERNMENT EMPLOYEES

John Anzivino and Ann Antonsen, consultants with Springsted Incorporated, presented the results of a Classification and Compensation Study for Fauquier County government employees for consideration by the Board of Supervisors.

A JOINT WORK SESSION WITH THE FAUQUIER COUNTY SCHOOL BOARD TO DISCUSS THE LOCATION AND LAYOUT OF THE 3RD HIGH SCHOOL AND OTHER MATTERS OF MUTUAL INTEREST

The Board of Supervisors and the Fauquier County School Board reviewed two proposed layout designs for the third high school, and discussed future school improvement projects.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, as presented. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

CITIZENS' TIME

- Mimi Moore, Marshall District, encouraged the Board to use low impact development at the site for the third high school in order to protect the heron rookery and wetlands.
- Effie Fox, Marshall District, urged the Board to protect the natural resources and to be environmentally conscientious in the development of the third high school site.
- An unidentified "concerned citizen for Fauquier County" requested that deer crossing signs be installed on Route 605 from Riley Road to P.B. Smith Elementary School.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented to Kathleen Meenehan A Proclamation to Honor Kathleen A. Meenehan in Recognition of Thirteen Years of Distinguished Service to the Citizens of Fauquier County.
- Mr. Graham presented A Proclamation Recognizing the Outstanding Achievements of Christina Hansborough.
- Mr. Robison presented to Michael Macdonald A Proclamation to Honor the Life of Katharine Ann "Kay" Macdonald.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes for the October 13, 2005 Regular Meeting and October 20, 2005 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution to Approve Donation of Funds to the Fauquier SPCA, Inc., for the Sale of Animal Friendly License Plates

RESOLUTION

A RESOLUTION TO APPROVE DONATION OF FUNDS TO THE FAUQUIER SPCA, INC.,
FOR THE SALE OF ANIMAL FRIENDLY LICENSE PLATES

WHEREAS, the Department of Motor Vehicles sells Animal Friendly license plates, as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, as part of its special license plate program; and

WHEREAS, a portion of the funds from the sale of the license plates are set aside in a special fund for distribution to localities to be used in support of sterilization programs for dogs and cats; and

WHEREAS, for Fiscal Year 2005, Fauquier County is entitled to the sum of \$2,280.00 from the sale of Animal Friendly license plates; and

WHEREAS, Fauquier County does not have a sterilization program; however, statute provides that the County may make the funds available to a local, private, non-profit organization which supports the purposes of the program; and

WHEREAS, the Fauquier SPCA, Inc., is a local, private, non-profit organization that has a sterilization program for dogs and cats, and which has affirmed that funds donated will be used by that organization for the purposes of that program in accordance with Virginia Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That, upon receipt from the Department of Motor Vehicles, the sum of \$2,280.00 due to Fauquier County based on the sale of Animal Friendly license plates, as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, be, and is hereby, appropriated for donation to the Fauquier SPCA, Inc., for the exclusive use by that organization for the sterilization of dogs and cats.

A Resolution to Authorize the County Administrator to Execute Leases for the Morrisville Convenience Site

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE
LEASES FOR THE MORRISVILLE CONVENIENCE SITE

WHEREAS, the leases for the property that comprises the Morrisville convenience site have expired; and

WHEREAS, it is Fauquier County's desire, and is in the best interest of its citizens, that the Morrisville convenience site remain open; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the County Administrator be, and is hereby, authorized to execute the leases with Daniel France, and Howard L. Grove and Jane M. Grove, co-trustees, in a form substantially similar to the October 31, 2005 draft, subject to such modifications as are acceptable to the County Administrator and County Attorney.

A Resolution to Adopt the Classification and Compensation Pay Plan for Fauquier County Government Employees

RESOLUTION

A RESOLUTION TO ADOPT THE CLASSIFICATION AND COMPENSATION PAY PLAN
FOR FAUQUIER COUNTY GOVERNMENT EMPLOYEES

WHEREAS, the Fauquier County Board of Supervisors desires to update the Classification and Compensation Pay Plan for County Government employees; and

WHEREAS, on August 1, 2004, the consulting firm of Springsted Incorporated, LLC, entered into a supplemental agreement with Fauquier County Government to perform a Classification and Compensation Study; and

WHEREAS, introductory meetings with management, employee orientation and management interviews were held; and

WHEREAS, approximately 250 positions were audited and classified, class specifications, qualification standards and pay scales were prepared, and a salary survey was conducted; and

WHEREAS, at varying stages of development, employees and management have reviewed departmental installation schedules and class specifications; and

WHEREAS, Fauquier County has received documentation from Springsted, which supports establishment of an upgraded Classification and Compensation Pay Plan; and

WHEREAS, the adoption of the Classification and Compensation Pay Plan includes all approved Fauquier County Government positions; and

WHEREAS, the creation of new positions will be required to follow the established procedures; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the Classification and Compensation Pay Plan contained in the final documentation supplied by Springsted be, and is hereby, adopted; and, be it

RESOLVED FURTHER, That the effective date of implementation of the pay plan for Fauquier County employees shall be the pay period beginning January 6, 2006; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to establish rules and regulations for the effective administration of the above-referenced Classification and Compensation Pay Plan, and that existing personnel regulations inconsistent therewith be, and are hereby, repealed.

A Resolution Authorizing the Implementation of the Road Abandonment Procedure for Movern Lane Pursuant to Section 33.1-151, et seq., of the Code of Virginia

RESOLUTION

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF THE ROAD
ABANDONMENT PROCEDURE FOR MOVERN LANE PURSUANT TO
SECTION 33.1-151, ET SEQ., OF THE CODE OF VIRGINIA

WHEREAS, Movern Lane within White's Mill Subdivision has been dedicated to public use, but has not yet been accepted into the State secondary system of highways; and

WHEREAS, a portion of right-of-way outside of the boundaries of Movern Lane was previously acquired by the Virginia Department of Transportation through eminent domain; and

WHEREAS, the Virginia Department of Transportation no longer requires this portion of the right-of-way, and the property owner has requested that the right-of-way be abandoned through the process set forth in Section 33.1-151, et seq., of the Code of Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the County Administrator be, and is hereby, authorized to take all steps necessary to initiate the road abandonment process pursuant to Section 33.1-151, et seq., of the Code of Virginia, including, but not limited to, advertising and posting required notices.

A Resolution to Appoint Members of the Community Policy and Management Team

RESOLUTION

A RESOLUTION TO APPOINT MEMBERS OF THE COMMUNITY POLICY AND
MANAGEMENT TEAM

WHEREAS, Section 2.2-5200, et seq., of the Code of Virginia (previously codified as Section 2.1-745, et seq.) mandates the establishment of a Community Policy and Management Team by each county or city in order to receive funds pursuant to Chapter 46, The Comprehensive Services Act for at Risk Youth and Families; and

WHEREAS, pursuant to Section 2.2-5205 of the Code of Virginia, "The community policy and management team to be appointed by the local governing body shall include, at a minimum, at least one elected official or appointed official or his designee from the governing

body of a locality that is a member of the team, and the local agency heads or their designees of the following community agencies: community services board established pursuant to § 37.1-195, the juvenile court services unit, department of health, department of social services and the school division. The team shall also include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality, and a parent representative"; and

WHEREAS, on November 17, 1992, the Board of Supervisors established a Community Policy and Management Team pursuant to Section 2.1-750, et seq., and appointed the initial members whose appointments became effective on July 1, 1993; and

WHEREAS, it is now prudent to clarify members of the Community Policy and Management Team that were appointed by title and those that were appointed personally; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That a Community Policy and Management Team be appointed to include the local agency heads or their designees from the local Community Services Board, the Juvenile Court Services Unit, the Department of Health, the Department of Social Services, and the local School Division; and, be it

RESOLVED FURTHER, That the position of Accountant in the Fauquier County Finance Department be appointed as the fiscal agent for the Community Policy and Management Team, and that he or she "shall annually audit the total revenue of the team and its programs"; and, be it

RESOLVED FURTHER, That the following individuals are personally appointed to serve on the Community Policy and Management Team: Anthony I. Hooper, Deputy County Administrator; John Borgens, a representative of a private organization that provides for children or family services; and Laurie Strong, a parent representative; and, be it

RESOLVED FINALLY, That the Fauquier County Attorney's Office shall provide legal services to the Community Policy and Management Team.

A Resolution Authorizing the Subdivision Agent to Execute Vacations of Plats or Portions Thereof in Those Instances Authorized by the Code of Virginia

RESOLUTION

A RESOLUTION AUTHORIZING THE SUBDIVISION AGENT TO EXECUTE
VACATIONS OF PLATS OR PORTIONS THEREOF IN THOSE INSTANCES
AUTHORIZED BY THE CODE OF VIRGINIA

WHEREAS, the Code of Virginia authorizes an agent of the local governing body to execute a vacation of a subdivision plat, or portion thereof, under certain circumstances as set forth in Sections 15.2-2270 through 15.2-2272 of the Code of Virginia; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to delegate this authority to the subdivision agent; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the subdivision agent be, and is hereby, authorized to execute plats and other instruments of vacation of subdivisions to the extent set forth in Sections 15.2-2270 through 15.2-2272 of the Code of Virginia.

A Resolution to Establish a Working Group to Examine the Potential for a Buckland Bypass with Prince William County

RESOLUTION

A RESOLUTION TO ESTABLISH A WORKING GROUP TO EXAMINE THE POTENTIAL FOR A BUCKLAND BYPASS WITH PRINCE WILLIAM COUNTY

WHEREAS, Fauquier County's Comprehensive Plan identifies upgrading the Route 29 corridor in Fauquier County to a rural freeway in conjunction with the National Highway System as a priority; and

WHEREAS, Fauquier County's Comprehensive Plan identifies the construction of a grade separated interchange at the intersection of Route 29/215 as a priority; and

WHEREAS, the Fauquier County Comprehensive Plan calls for coordination with Prince William County on the Route 29 rural freeway alignment and the preliminary planning and widening for the Route 215 corridor; and

WHEREAS, the Virginia General Assembly has authorized funding for a study of a possible alternative to Route 15 between Route 29 and Interstate 66 in the 2005 session; and

WHEREAS, the Virginia Department of Transportation identified \$100,000 in its 2005-2006 Six-Year Improvement Program for a Pre-NEPA Study of a Buckland Bypass in Fauquier and Prince William Counties; and

WHEREAS, the Virginia Department of Transportation has asked Fauquier and Prince William Counties to work jointly in examining the potential bypass; and

WHEREAS, the Prince William County Board of County Supervisors has agreed to participate in the study and designated Chairman Sean T. Connaughton and Brentsville District Supervisor Wally Covington to take the lead for their County; and

WHEREAS, it is the desire of the Fauquier County Board of Supervisors that the Virginia Department of Transportation Culpeper District and Fauquier County serve as the lead agencies on the oversight and coordination of the study; and

WHEREAS, Fauquier County supports studying and receiving additional funding for full examination of the Buckland Bypass; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the Board agrees to establish a working group of elected officials, including the Vice Chairman and the Scott District Supervisor, to examine the potential for a Buckland Bypass with Prince William County.

A Resolution to Initiate Consideration of an Amendment to the Zoning Ordinance to Set Forth Rules with Respect to the Effect of Boundary Line Adjustments, Large-Lot Divisions, and Other Subdivisions on Open Space Requirements Within the Rural Agricultural (RA) and Rural Conservation (RC) Zones

RESOLUTION

A RESOLUTION TO INITIATE CONSIDERATION OF AN AMENDMENT TO THE ZONING ORDINANCE TO SET FORTH RULES WITH RESPECT TO THE EFFECT OF BOUNDARY LINE ADJUSTMENTS, LARGE-LOT DIVISIONS AND OTHER SUBDIVISIONS ON OPEN SPACE REQUIREMENTS WITHIN THE RURAL AGRICULTURAL (RA) AND RURAL CONSERVATION (RC) ZONES

WHEREAS, the Zoning Ordinance does not comprehensively set forth rules governing the effect of boundary line adjustments, large lot divisions and subdivisions with respect to the 85 percent open space requirement of Section 2-406 of the Zoning Ordinance; and

WHEREAS, the County has adopted administrative interpretations with respect to the effect of these actions upon the open space requirements; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and desirable to codify and, where necessary, clarify these interpretations; and

WHEREAS, good zoning practice and the public convenience warrant consideration of an amendment that would codify the effect of the above-referenced actions upon the open space requirements of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the proposed amendment to the Zoning Ordinance, which is attached hereto, be referred to the Planning Commission for its consideration and recommendations, and that this Ordinance be advertised for public hearing at the next regular meeting of the Planning Commission for which the advertising deadline can be met.

2-406

Open Space Requirements

1. Except in the RA and RC zones, when a lot is proposed for subdivision using the cluster provisions of Article 3, a minimum of fifty (50) percent of the gross site area shall be in open space, unless a special exception satisfying the standards of Section 5-2601 is approved.
2. When a lot is proposed for conventional subdivision into 25 or more lots in the RR-2, R-1, R-2, R-3, or R-4 zones, the following minimum percentages of

gross site area shall be in common open space unless a special exception satisfying the standards of Section 5-2701 is approved. At least 50% of the designated open space shall be configured for contiguous usable recreation purposes.

RR-2	35%
R-1	25%
R-2	20%
R-3	15%
R-4	15%

3. In the RA and RC Zoning Districts, 85 percent of the gross site area shall be in non-common open space unless a special exception satisfying the standards of Section 5-2601 is approved. The non-common open space shall be in one parcel and shall meet the requirements of Section 2-705 of the Zoning Ordinance. The deed of non-common open space shall be recorded as follows:

A. Administrative and family transfer divisions:

A deed of non-common open space meeting the requirements of Section 2-705 must be recorded when either:

- i. there is insufficient land available for future subdivision after deduction for the 85 percent open space area; or
- ii. no additional sliding scale density is available

B. Subdivisions other than administrative and family transfer divisions which exhaust all density under the sliding scale:

A deed of non-common open space physically designating the open space shall be recorded with the plat of subdivision.

C. Subdivisions other than administrative and family transfer divisions which do not exhaust all density under the sliding scale:

Deed of Non-Common Open Space shall be recorded at the time of the first plat of subdivision. The Deed of Non-Common Open Space shall either physically designate the 85% open space or reserve the additional development rights by providing agreement language for the deed and plat that upon completion of subdivision at least 85% of parcel will remain in undivided non-common open space. The Director or subdivision agent may, in his discretion, impose platting requirements at the time of subdivision sufficient to ensure that at least 85% open space will be provided upon completion of the development.

D. With respect to any subdivision for which 85 percent open space is required by this Ordinance, the acreage upon which the open space is to be calculated shall be determined as follows:

- i. For a lot or parcel which has not been altered in size since May 20, 1986, 85 percent of the original acreage shall constitute the required open space.
 - ii. For a lot or parcel which has been divided in accordance with any large lot division provision in effect since May 20, 1986, 85 percent of each such large lot shall constitute the required open space.
 - iii. For a lot or parcel which has been subdivided after May 20, 1986 as either a clustered open space subdivision, an administrative subdivision or a family transfer, 85 percent of the acreage at the time of the first subdivision shall constitute the required open space, unless the parcel has thereafter been increased in size through boundary line adjustment, in which case the increased acreage shall be the basis for calculating the required open space. Boundary line adjustment or resubdivision of the residue below the 85 percent open space requirement is not permissible without a special exception for reduction of the open space. Notwithstanding the foregoing, one administrative or family transfer of less than 5 acres in accordance with Section 2-310(4) of this ordinance shall not trigger the open space requirement provided that the residue is thereafter divided according to the large lot provisions of Section 2-310. The large lots created thereafter shall be governed by the provisions of subsection ii., above.
 - iv. For a lot or parcel which has been either increased or decreased in size by a boundary line adjustment after May 21, 1986, 85 percent of the acreage of the parcel at the time the parcel is to be subdivided shall be placed in open space. Reduction of the parcel below the minimum acreage limit for which open space is required shall not relieve the parcel of the 85 percent open space requirement.
4. In the approval of a cluster subdivision, in no case shall the applicable regulations or use limitations for the district be modified or changed, nor shall any lot extend into an estimated floodplain area unless approved by the Commission based on the determination that:
- A. The particular floodplain, by reason of its size or shape, has no particular open space value, and
 - B. The lot, exclusive of floodplain, contains seventy-five (75) percent of the required minimum lot area specified for the district in which located.
5. In the RA and RC Zoning Districts:
- A. The proposed development shall not result in the unnecessary loss or degradation of natural resources, including prime agricultural and forestal lands; environmentally sensitive areas such as floodplains, steep

slopes, rock outcrops and seasonally wet areas; predominant or unusual geologic features such as mountain peaks, caverns, gorges; areas critical to the existence of important types of flora and/or fauna. The standards for evaluating the impact will be as follows:

(1) Natural resources, environmentally sensitive areas and unusual geological features will be identified using the following criteria:

- a. Prime Agricultural Lands - those soils which are delineated as Class I, II or III soils by the Soil Conservation Service, and other soils with slopes less than 15% which have comparable productive value as those rated Class III or better as delineated on the Fauquier County Soils Survey or based upon acceptable soils delineation study. See Appendix A for list of soils.
- b. Prime Forest Lands - those that are well suited for timber production (as delineated by soil type on the Fauquier County Soil Survey or by acceptable soils delineation study) and which contain stands of timber which could qualify for use valuation taxation on the effective date of this Ordinance. See Appendix A for a list of soils.
- c. Floodplains - as delineated in the overlay district or as revised based on acceptable detailed engineering studies.
- d. Steep Areas - those areas containing slopes in excess of 25% as determined using current United States Geological Survey quads or as determined based on acceptable detailed engineering studies.
- e. Highly Erodible Soils as delineated by soil type on the Fauquier County Soil Survey or based on acceptable soils delineation study. See Appendix A for list of soils.
- f. Rock outcrops and seasonally wet areas - as per site investigation.
- g. Areas critical to the existence of important flora and/or fauna - as per site investigation.

(2) Natural features will be included in the open space unless the Board finds that doing so would not be appropriate regarding the site or would not allow the applicant to develop 50% of the otherwise allowable site density.

B. The Board shall take into account any scenic and/or historic resources that would be impacted by the development and may require that adverse impacts be mitigated. Standards for evaluating the impacts are as follows:

- (1) Site improvements including streets and lots shall take advantage of topography so as to mitigate adverse visual impacts and maintain, to the extent possible, the scenic qualities and/or historic resources.
 - (2) Scenic resources shall include those areas with a 1 or 2 rating in the current visual analysis policy adopted by the Board by resolution.
 - (3) Historic resources shall include those listed in the Comprehensive Plan.
- C. The proposed development shall be sufficiently compatible in character and intensity with the existing uses in the neighborhood that it will not significantly jeopardize or infringe upon the continuation of such existing uses. The conflicts and potential, therefore, between major residential developments on one hand, and sparsely settled rural areas, particularly intensive agricultural production operation, on the other, shall be taken into account. A permit for a major residential development shall not be denied in a finding based solely on this paragraph if it can be shown that sufficient open space would adequately prevent undue change in the character of the area involved and sufficiently diminish land use conflicts between residential and agricultural uses. The general standards for determining compatibility of character and intensity will be as follows:
- (1) Lots of less than 10 acres, but a minimum of 2 acres, should be buffered from an Agricultural and Forestal District or an existing agricultural use.
 - (2) Lots of less than 2 acres should be buffered from an Agricultural and Forestal District or an existing agricultural use. If possible the buffers should be at least 2,000 ft.
 - (3) In no case shall the net site density be reduced by more than 50% solely as a result of the application of this Paragraph C.
- D. For lots 30 acres or greater, eighty-five percent (85%) of the gross lot area shall be required in open space unless a special exception for a lesser amount is granted by the Board. For lots of less than thirty (30) acres the open space requirement of 3-408 does not apply. The open space shall be located so as to best accomplish A, B and C above.
6. Any person aggrieved by a decision of the Commission with respect to a cluster subdivision may file an appeal with the Board of Supervisors within thirty (30) days of such decision.

**A RESOLUTION TO ACCEPT THE FIRE RESCUE AND EMERGENCY SERVICES
LONG RANGE SERVICE PLAN**

Mr. Graham moved to postpone a decision on a proposed resolution to accept the Fire Rescue and Emergency Services Long Range Service Plan until the next regular Board meeting on December 8, 2005. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY
ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE DONATION
OF A CONSERVATION EASEMENT FROM HARRY E. McCONNELL AND JUDY L.
K. McCONNELL ON A 20-ACRE TRACT IDENTIFIED AS PIN 6946-17-7242**

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY
ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE DONATION OF A
CONSERVATION EASEMENT FROM HARRY E. McCONNELL AND JUDY L. K.
McCONNELL ON A 20 ACRE TRACT IDENTIFIED AS PIN 6946-17-7242**

WHEREAS, the proposed resolution authorizes the County Administrator and County Attorney to take all actions necessary to accept a conservation easement from Harry E. McConnell and Judy L. K. McConnell; and

WHEREAS, under the proposed action, Harry E. McConnell and Judy L. K. McConnell will donate a conservation easement on a 20 acre parcel of land located at 6225 John Barton Payne Road in the Marshall Magisterial District, further identified as PIN 6946-17-7242; and

WHEREAS, the property has three development rights as determined by the Fauquier County Department of Community Development and, under the County's sliding scale, has the right to be divided into two additional lots; and

WHEREAS, the conservation easement would prohibit those divisions, and any other future divisions of the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the County Administrator and County Attorney be, and are hereby, authorized to take all actions necessary to accept the donation of a conservation easement from Harry E. McConnell and Judy L. K. McConnell on a 20-acre tract of land located at 6225 John Barton Payne Road in the Marshall Magisterial District, further identified as identified as PIN 6946-17-7242.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Disability Services Board – Consumer Representative: Wayne Harne, reappointed for a three-year term ending November 10, 2008.
- Agricultural and Forestal District Advisory Committee – Citizen-at-Large: Harry E. McConnell, appointed to fill an unexpired term ending December 31, 2007.
- Birmingham Green Board of Directors – Fauquier County Representative: Anthony I. Hooper, to fill an unexpired term ending September 30, 2008.

SUPERVISORS' TIME

- Mr. Stribling announced that the Morrisville convenience site is being enlarged, which will provide easier access to the facility for citizens.
- Mr. Graham stated he recently became aware that citizens who are paying a penalty for delinquent payment of their personal property tax are being charged on the entire assessed value of their vehicles, including the portion that is ordinarily excluded by the State, and he intends to explore a remedy for the situation. Mr. Graham also stated that improvements are underway at all convenience sites throughout the County. Mr. Graham further announced that real estate reassessment notices have been mailed; however, tax bills for the current year will not be affected. He reminded citizens that the Board will undertake its annual review of the proposed budget and tax rates in the spring of next year.
- Mr. Downey stated that reassessments are directed by a completely different legislative process, over which the Board of Supervisors has no control. Mr. Downey further stated the Board understands that reassessments were done at what was likely to be the peak of a real estate market that now appears to be on the decline, and those factors will be taken into consideration as the Board moves forward in its deliberations.

ANNOUNCEMENTS

- Mr. McCulla announced that members of the Board of Supervisors will attend the Virginia Association of Counties annual conference in Bath County, Virginia, November 13 through 15, 2005.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held on December 8, 2005 in the Warren Green Meeting Room.

AMENDMENTS TO THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$2,402,707

A public hearing was held to consider various budget related issues in the amount of \$2,614,975 in appropriations, \$87,732 in transfers, and \$300,000 in de-appropriation for FY 2006. Bryan Tippie, Budget Director, summarized the proposed budget amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$2,402,707

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee at its October meeting has recommended FY 2006 budget adjustments of \$2,402,707 for the purposes set forth below; and

WHEREAS, on November 10, 2005, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the FY 2006 Budget be, and is hereby, amended in the amount of \$2,402,707 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2006</u>					
State Funds	3-504-244740-0020	\$908	Airport	4-504-081722-3160	\$908
State Funds	3-504-244740-0020	\$2,050	Airport	4-504-081722-6007	\$2,050
State Bonds	3-302-189900-0090	\$627,839	Finance	4-302-066610-8711	\$627,839
State Funds	3-100-244100-0090	\$33,670	F&ES	4-100-032420-6004	\$33,670
State Funds	3-205-242000-0034	\$19,717	School Division	4-205-061100-6013-300-100	\$3,982
				4-205-061100-6014-300-200	\$15,735
Federal Funds	3-205-332000-0029	\$9,362	School Division	4-205-061108-6013-200-190	\$9,362
Federal Funds	3-205-332000-0019	\$92,125	School Division	4-205-061120-1120-300-200	\$41,993
				4-205-061120-2100-300-200	\$3,212
				4-205-061120-2210-300-200	\$5,111
				4-205-061120-2310-300-200	\$4,714
				4-205-061120-2720-300-200	\$134
				4-205-061120-6013-300-200	\$36,961
Federal Funds	3-205-332000-0031	\$245	School Division	4-205-061122-6013-200-200	\$245
FY 2005 Carry Over	3-100-419000-0010	\$76,970	Budget Office	4-100-012320-3180	\$76,970
FY 2005 Carry Over	3-100-419000-0010	\$296,452	Budget Office	4-100-012320-1302	\$12,600
				4-100-012320-1702	\$46,100
				4-100-012320-2100	\$4,500
				4-100-012320-3180	\$200,128
				4-100-012320-3500	\$4,400
				4-100-012320-3600	\$1,000
				4-100-012320-4200	\$70
				4-100-012320-5210	\$11,100
				4-100-012320-5230	\$1,650
				4-100-012320-5410	\$1,104
				4-100-012320-5420	\$12,600
				4-100-012320-6001	\$500
				4-100-012320-6025	\$700
FY 2005 Carry Over	3-100-419000-0010	\$1,000,000	Budget Office	4-100-091400-9699	\$1,000,000
FY 2005 Carry Over	3-100-419000-0010	\$32,397	Budget Office	4-100-043417-3310	\$32,397
FY 2005 Carry Over	3-100-419000-0010	\$92,635	Budget Office	4-100-043416-3310	\$92,635
FY 2005 Carry Over	3-100-419000-0010	\$32,480	Social Services	4-100-053162-5722	\$32,480

Federal Funds

FY 2005 Carry Over State Funds	3-100-419000-0010	\$13,116	F&ES	4-100-032420-5600	\$13,116
State Funds	3-100-244100-0080	\$6,500	F&ES	4-100-032420-1101	\$6,500
FY 2005 Carry Over State Funds	3-100-419000-0010	\$2,000	F&ES	4-100-032420-6050	\$2,000
FY 2005 Fund Balance	3-270-419000-0010	\$12,735	F&RA	4-270-032210-3160 4-270-032210-6004	\$4,466 \$8,269
FY 2005 Fund Balance	3-270-419000-0010	\$17,500	F&RA	4-270-032200-6004	\$17,500
FY 2005 Fund Balance	3-270-419000-0010	\$4,000	F&RA	4-270-032200-6009	\$4,000
FY 2005 Fund Balance	3-270-419000-0010	\$55,500	F&RA	4-270-032260-6004	\$55,500
FY 2005 Fund Balance	3-270-419000-0010	\$58,870	F&RA	4-270-032200-6009	\$58,870
FY 2005 Fund Balance	3-270-419000-0010	\$112,141	F&RA	4-270-032320-5699	\$112,141
State Funds	3-205-242000-0060	\$15,763	School Division	4-205-061104-6013-300- 100	\$15,763
Contingency Reserve (Transfer)	4-100-091400-9999	\$87,732	Social Services	4-100-053110-6050	\$87,732
De-Appropriation	4-302-066610-8716 4-302-066610-8717	(\$150,000) (\$150,000)	School Division School Division		(\$150,000) (\$150,000)
TOTAL		\$2,402,707			\$2,402,707

**AMENDMENT TO SECTION 4-1 OF THE FAUQUIER COUNTY CODE,
DEFINITIONS, TO REVISE THE DEFINITION OF A DANGEROUS DOG**

A public hearing was held to consider an amendment to Section 4-1 of the Fauquier County Code, to adopt a definition of dangerous dog that includes a dog which has attacked another dog, subject to several mandatory exemptions. The proposed revision tracks the statutory authorization. Kevin J. Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND THE DEFINITION OF DANGEROUS DOG WITHIN
SECTION 4-1 OF THE COUNTY CODE

WHEREAS, the Code of Virginia at Section 3.-796.93:1 authorizes the County to enact an Ordinance regulating dangerous and vicious dogs; and

WHEREAS, the enabling legislation authorizes the County to adopt a definition of “dangerous dog” which includes a dog that has attacked another dog; and

WHEREAS, the County deems that it is appropriate and in the public interest to amend its definition of “dangerous dog” to include the statutorily authorized language; now, therefore be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That Section 4-1 of the County Code be, and is hereby, amended to include the attached revised definition of “dangerous dog.”

Sec. 4-1. Definitions.

Notwithstanding anything in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal shall include any live vertebrate creature, domestic or wild, not to include birds.

Animal warden. The term "animal warden" means any person employed, contracted, or appointed by the board of supervisors of the county for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or municipal police officer, animal control officer, sheriff, constable, or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

Companion animal. Any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Dangerous dog. The term "dangerous dog" means any canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, ~~other than a dog~~, or killed a companion animal—however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

Kennel. Any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing.

Own; owner. The terms "own" and "owner" apply to any person having a right of property in a dog or cat; any person who keeps or harbors a dog or cat or has it in his/her care, or who acts as a custodian of a dog or cat.

Pet shall mean any animal kept for pleasure rather than utility.

Vicious dog. The term "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit that behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

Wild or exotic animal shall mean any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake, constricting snake greater than three (3) feet in length or tarantula, which can normally be found in the wild state or any other member of crocodilian, including but not limited to, alligators, crocodiles, caymans, and gavials. Ferrets, rabbits, and laboratory rats which have been bred in captivity, and which have never known the wild, shall be excluded from the definition.

PROPOSED ORDINANCE ESTABLISHING A DEADLINE FOR SUBMITTAL OF LANDOWNER APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENT TO THE FAUQUIER COUNTY BOARD OF EQUALIZATION AND A DEADLINE FOR THE BOARD OF EQUALIZATION TO COMPLETE ITS DELIBERATIONS ON ALL APPLICATION

A public hearing was held to consider a proposed Ordinance setting a deadline for applications by taxpayers to request the Board of Equalization to review assessments, and a deadline for the Board of Equalization to complete its deliberations. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE ESTABLISHING A DEADLINE FOR SUBMITTAL OF LANDOWNER APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENT TO THE FAUQUIER COUNTY BOARD OF EQUALIZATION TO COMPLETE ITS DELIBERATIONS ON ALL APPLICATIONS

WHEREAS, Fauquier County is currently undergoing a general reassessment of real property within the County, to be effective January 1, 2006; and

WHEREAS, Section 58.1-3370 of the Code of Virginia requires the establishment of a Board of Equalization to receive applications from landowners seeking equalization of their real estate assessments; and

WHEREAS, Section 58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish a deadline by which applications for equalization of real estate assessments must be filed with the Board of Equalization; and

WHEREAS, Section 58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That June 30, 2006 be, and is hereby, established as the deadline date by which applications for equalization of assessment shall be filed with the Fauquier County Board of Equalization; and, be it

ORDAINED FURTHER, That July 31, 2006 be, and is hereby, established as the deadline date by which the Fauquier County Board of Equalization shall finally dispose of all timely applications for equalization of real estate assessments.

AMENDMENT TO THE FAUQUIER COUNTY CODE TO REQUIRE PAYMENT OF AN ANNUAL LICENSE FEE OF \$50 BY COMPANION ANIMAL DEALERS AND FOR-PROFIT BREEDERS

A public hearing was held to consider an amendment to the Fauquier County Code to require payment of an annual license fee of \$50 by companion animal dealers and for-profit breeders. Kevin Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO AMEND SECTION 4-1 OF THE COUNTY CODE TO ADD A DEFINITION OF ANIMAL DEALER AND TO ADD ARTICLE IV TO CHAPTER 4 OF THE CODE TO REQUIRE PAYMENT OF AN ANNUAL LICENSE FEE OF \$50 BY COMPANION ANIMAL DEALERS AND FOR-PROFIT BREEDERS

WHEREAS, in July 2005, the General Assembly amended the enabling legislation related to animal control to permit the County to license dealers and breeders of companion animals and to charge a fee of \$50 per year for the license; and

WHEREAS, Fauquier County has determined that the adoption of such a regulation is in the best interest of the County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the County Code be, and is hereby, amended to add the following definition of Animal Dealer to the definitions set forth in Section 4-1 of the County Code, and to add new Article IV regulating animal dealers and requiring the payment of a license fee of \$50 per year, as follows:

Sec. 4-1. Definitions

Dealer means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier, or (ii) any person or organization whose primary purpose is to find permanent adoptive homes for companion animals.

Article IV. Licensing of Pet Shops and Dealers.

Sec. 4-36. Permit required for pet shops and dealers

It shall be unlawful for any person to operate a pet shop or operate as a dealer in companion animals who does not possess a valid permit issued by the Animal Warden. The permit shall be obtained on an annual basis no later than January 31 of each year. The fee for said permit and each renewal thereof shall be fifty dollars per year.

For the purpose of this Article, a person who breeds not more than one companion animal not more than one time per calendar year and sells, transfers, exchanges or barter the offspring or litter shall be deemed not to have done so "in the regular course of business" as set forth in the definition of Dealer contained in Section 4-1 of this Ordinance.

Sec. 4-37. Recordkeeping by permit holder

Any person obtaining a permit pursuant to this section shall be required to maintain records as specified by the Animal Warden on the application form. The Animal Warden shall be permitted to inspect the premises of the facility prior to issuance or reissuance of the permit.

Sec. 4-38. Denial and Revocation of permits

The Animal Warden may deny issuance or renewals of any permit issued pursuant to this section, or revoke any such permit for fraudulent practices or inhumane treatment of animals dealt with by the permittee.

Sec. 4-39. Penalty

Operating a pet shop or operating as a dealer in companion animals without having obtained such a permit from the county shall be a Class 3 misdemeanor.

PROPOSED ORDINANCE AMENDING CHAPTER 8, ARTICLE X OF THE CODE OF FAUQUIER COUNTY TO ADD SECTION 8-29.3 et seq. - PPTRA

A public hearing was held to consider a proposed Ordinance amending Chapter 8, Article X of the Code of Fauquier County to add Section 8-29.3 et seq. The Personal Property Tax Relief Act of 1998, Virginia Code § 58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act). These legislative enactments require the County of Fauquier to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act, as revised. Mr. Atherton summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code § 58.1-3523, *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require Fauquier County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act, as revised; and

WHEREAS, these legislative enactments provide for the appropriation to Fauquier County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That Chapter 8, Article X of the Code of Fauquier County be, and is hereby, amended to add Section 8-29.3, *et seq.*, which shall read as follows:

§ 8-29.3. Purpose; Definitions; Relation to Other Ordinances.

(a) The purpose of this Ordinance is to provide for the implementation of the changes to the Personal Property Tax Relief Act affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meanings set forth in Personal Property Tax Relief Act shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County of Fauquier Code, this Ordinance shall control.

§ 8-29.4. Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, the County of Fauquier adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for personal property tax relief and the reporting of such specific dollar relief on the tax bill.

(b) The Board shall, by resolution, set the percentage of tax relief at such a level that it is anticipated fully to exhaust Personal Property Tax Relief Act relief funds provided to the County of Fauquier by the Commonwealth.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§ 8-29.5. Allocation of Relief Among Taxpayers.

(a) Allocation of personal property tax relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County of Fauquier annual budget relating to Personal Property Tax Relief Act relief.

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available State personal property tax relief funding. The percentage shall be established annually.

§ 8-29.6. Transitional Provisions.

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, unless the assessment is determined to be of no fault of the taxpayer, the County of Fauquier Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to State personal property tax relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as State funds for reimbursement of the State share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Article X, Section 8-29 of the Code of the County of Fauquier from the original due date of the tax.

ZONING ORDINANCE TEXT AMENDMENT TO SECTION 6-105 – BARN SETBACKS

A public hearing was held to consider a proposed amendment to permit the reduction in setbacks required for barns located on or adjacent to Rural Residential Districts (RR-2). Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 6-105 TO PERMIT THE REDUCTION IN SETBACKS REQUIRED FOR BARNs LOCATED ON OR ADJACENT TO RURAL RESIDENTIAL DISTRICTS (RR-2)

WHEREAS, on August 25, 2005, the Planning Commission initiated this text amendment; and

WHEREAS, on September 29, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on November 10, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That Section 2-411 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

6-105 Location Regulations

[1 through 5 – same]

6. Barns shall not be located less than 100 feet from any property line, except if located on a property zoned RC/Rural Conservation, RA/Rural Agriculture, RR-2/Rural Residential, I-1/Industrial or I-2/Industrial and also if located on a property line adjacent to property zoned RC/Rural Conservation, RA/Rural Agriculture, RR-2/Rural Residential, I-1/Industrial or I-2/Industrial, then the Board of Zoning Appeals may reduce this setback requirement by approval of special permit.

[7 through 8 – same]

ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-411 – TRANSMISSION LINE EASEMENTS

A public hearing was held to consider a proposed amendment to establish 200 foot setbacks between transmission line easements carrying 500 kV lines or greater and all buildings. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Merle Fallon, Esquire, submitted a letter on behalf of Lee's Glenn subdivision, opposing the proposed amendment. No one else spoke. Mr. Downey moved to postpone a decision on the matter and continue the public hearing until the next regular Board meeting on December 8, 2005. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-105- ACCESSORY FAMILY DWELLING UNITS

A public hearing was held to consider a proposed amendment to increase the square footage of accessory family dwelling units and to expand the classes and number of people that can dwell therein. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Pete Peterson, Cedar Run District, spoke in support of the amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-105 TO CHANGE THE SQUARE FOOTAGE OF ACCESSORY FAMILY DWELLING UNITS AND TO EXPAND THE NUMBER OF PEOPLE THAT CAN DWELL THEREIN

WHEREAS, on July 14, 2005, the Board of Supervisors initiated this text amendment; and

WHEREAS, on September 27, 2005, the Planning Commission conducted a work session on this amendment and on August 25, 2005, and September 29, 2005, the Planning Commission held public hearings on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on November 10, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That Section 2-411 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

105 Standards for an administrative permit for a Family Dwelling Unit

1. Such a unit shall not be occupied by more than ~~three (3)~~ **five (5)** persons, at least one of ~~which~~ **whom** must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot. **Or, the lot owner may live in the family dwelling unit and allow such family members to reside in the main house. In either case, the lot owner must reside on the property.**
2. Such a unit ~~shall contain no more than 1200 square feet of gross floor area. may be 600 square feet in gross floor area or 25 % of the gross floor area of the existing house, whichever is larger, but in no circumstance may the family dwelling unit exceed 1,200~~ **1,400 square feet of gross floor area.**
3. No dwelling units other than the principal structure (a single family dwelling) and one such family ~~apartment~~ **dwelling unit** shall be located on one lot.
4. **For ten years, the two structures must be occupied only by the owner(s) and those identified in paragraph 1. It shall be unlawful for rent to be charged to the occupancy of such a unit for two (2) years following the date it passes final inspection by the County Building Official. If the Board of Supervisors finds that an extraordinary hardship is being caused by the ten-year limitation it may reduce the time period to alleviate the hardship.**

5. When such a unit is no longer needed by a member of the owner's family and the ~~two~~ **ten** year period described in Paragraph 4 has expired, ~~the one~~ unit, **but not both**, can be considered a nonconforming use and as such can be rented to anyone.

REQUEST TO TERMINATE OPEN SPACE AGREEMENT – DAVID R. AND GEORGIA K. BUCKWALTER, OWNERS/APPLICANTS

A public hearing was held to consider terminating an Open Space Agreement with David R. and Georgia K. Buckwalter, who are requesting to withdraw two parcels totaling 54 acres from an open space agreement, located at 11825 Remington Road in Lee Magisterial District, further described as PIN 6888-71-9633-000 and PIN 6888-62-0664-000. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. David Buckwalter, applicant, requested favorable consideration of the amendment and requested that the matter be deferred for thirty days to allow for further refinements to the application. No one else spoke. Mr. Stribling moved to continue the public hearing and postpone a decision on the matter until the next regular Board meeting on December 8, 2005. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

SPECIAL EXCEPTION #SPEX05-CR-033 – WHITMAN'S HOLDING, LLC, OWNER AND JACKIE L. GEORGE, APPLICANT – WHITMAN'S AIR STRIP

A public hearing was continued from October 13, 2005, to consider an application to obtain Special Exception approval under Category 21, which would allow for continued operation of a privately owned, public use airport on a permanent basis. The property is located at 2102 Sowego Road (Route 611), Cedar Run District, further identified as PIN 7940-34-8856-000. Melissa Dargis, Assistant Chief of Planning, summarized the proposed amendment. Jackie George, applicant, requested favorable consideration of the application. Barry Porter, a non-resident pilot; Terry McCarty, a pilot and resident of Prince William County; Mike Zarudzki, Cedar Run District resident and adjacent property owner; Vincent Hawkins, Marshall District; April Caton, Cedar Run District; Larry Walker, member of the U.S. Ultralite Association; Tom Richards, Cedar Run District and owner of Warrenton Air Park; and Harry Wright, a pilot and resident of Prince William County, spoke in favor of the application. No one else spoke. Mr. Graham moved to continue the public hearing and postpone a decision on the matter until the next regular Board meeting on December 8, 2005. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

REZONING #REZN05-SC-013 – MCC, LCC, OWNER AND APPLICANT – JAMMIN JOE’S BBQ, LLC

A public hearing was continued from October 13, 2005, to consider an application to amend the existing Proffer Statement to allow for a use not currently permitted by the existing Proffers. The property is located at 5282 Lee Highway (Route 15/29/211), Scott District, further described as PIN 7906-32-1665-000 and PIN 7906-32-3745-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Joe Van Dyke, applicant, and Charlie Moore, co-owner, requested the Board’s favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE REZN05-SC-013, A REZONING REQUEST TO AMEND THE EXISTING PROFFER STATEMENT - JAMMIN JOE’S BBQ, LLC

WHEREAS, MCC/LLC, owner/applicant, has requested an amendment to the existing proffer statement to allow for a use not currently permitted by the existing proffers on the parcels identified by PIN 7906-32-1665-000 and PIN 7906-32-3745-000; and

WHEREAS, the requested modification would allow the applicant to comply with its approved Special Permit (dated September 16, 2003); and

WHEREAS, on May 26, 2005, the Planning Commission considered the Rezoning request and recommended that the Board of Supervisors approve the application; and

WHEREAS, on October 13, 2005, and November 10, 2005, the Fauquier County Board of Supervisors conducted public hearings and considered the written and oral testimony; and

WHEREAS, the Fauquier County Board of Supervisors concurred with the judgment of the Planning Commission and finds that the Rezoning request is warranted and the applicant has met the Fauquier County Zoning Ordinance Standards of Article 12 and the specific standards of Section 13-200, part 2; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2005, That Rezoning #REZN05-SC-013, MCC, LLC, owner/applicant, be, and is hereby, approved subject to the Proffer Statement dated November 1, 2005.

VIRGINIA DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROJECT GRANT APPLICATION

A public hearing was held to consider support of the construction of approximately 0.5 miles of a bicycle and pedestrian trail on the Fauquier Campus of Lord Fairfax Community College, for a Virginia Department of Transportation Enhancement Project. Catherine M. Heritage, Assistant County Administrator, summarized the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION OF ENDORSEMENT TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR CONSTRUCTION OF A PEDESTRIAN AND BICYCLE TRAIL

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order for the Virginia Department of Transportation to program a transportation enhancement project in the County of Fauquier; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the Board of Supervisors does hereby request that the Commonwealth Transportation Board establish a project for construction of an approximate one-half mile pedestrian and bicycle trail; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application, and acceptance of the grant funds on behalf of Fauquier County, if awarded; and, be it

RESOLVED FINALLY, That Fauquier County hereby agrees to pay the twenty percent (20%) local match of the total cost for construction of this project, and that, if Fauquier County subsequently elects to cancel this project, the County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY CONSTRUCTION SIX-YEAR PLAN

A joint public hearing between the Board of Supervisors and the Virginia Department of Transportation (VDOT) was held to receive public comment on the proposed Virginia

Department of Transportation Secondary System Construction Program for Fiscal Years 2006/07 through Fiscal Years 2011/2012. David Cubbage, Resident Administrator representing VDOT, presented the proposed plan. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO ADOPT THE 2006-2007 THROUGH 2011-2012 SECONDARY ROAD SIX-YEAR PLAN AND THE 2006-2007 FISCAL YEAR BUDGET

WHEREAS, the 2006-2007 through 2011-2012 Secondary Construction Six-Year Plan and the 2006-2007 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on November 10, 2005, and that the items brought forth at the public hearing were duly considered; and

WHEREAS, on October 26, 2005, the Fauquier County's Transportation Committee recommended adoption of the Secondary Road Six Year Plan for 2006-2007 through 2011-2012 transportation priorities, which are outlined herein; and

WHEREAS, on November 10, 2005, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the 2006-2007 through 2011-2012 Secondary Construction Six-Year Plan and the 2006-2007 Fiscal Year Budget be, and is hereby, adopted as follows:

<u>Priority</u>	<u>Magisterial District</u>	<u>Route</u>	<u>UPC</u>	<u>Route Name</u>	<u>Description of Work</u>
1	Cedar Run	0811	52238	Windwright Lane	Reconstruct Roadway
2	Marshall	0798	58119	Dulins Ford Road	Reconstruct Roadway
3	Cedar Run	0748	56092	Eskridges Lane	Reconstruct Roadway
4	Center/Scott	0605	11216	Dumfries Road	Construct Turning Lanes at Routes 674 & 1401
5	Cedar Run	0806	18168	Elk Run Road	Improve Curve
6	Lee	0668	71963	Savannah Branch Road	Reconstruct Bridge and Approaches at Marsh Run
7	Lee	1201	58118	Lucky Hill Road	Reconstruct Roadway
8	Marshall	0688	33998	Leeds Manor Road	Curve Improvement
9	Center/Scott	0605	11217	Dumfries Road	Construct Turn Lanes & Drainage at

					Mill Run
10	Cedar Run	0674	67697	Green Road	Spot Improvement
11	Marshall	0622	71962	Whiting Road	Budget Item
12	Marshall	0738	67695	Wilson Road	Improve Sight Distance
13	Marshall	0628	08107	Cannonball Gate Road	Reconstruct Roadway
14	Lee	0823	71964	Spring Mill Road	Reconstruct Roadway
15	Lee	0655	58123	Lucky Hill Road	Reconstruct Bridge & Approaches Over Tinpot Run
16	Cedar Run	0605	17138	Dumfries Road	Reconstruct Roadway
17	Lee	0651	11153	Sumerduck Road	Reconstruct Bridge & Approaches Over Sumerduck Run
18	Cedar Run	0794	52240	Heddings Road	Reconstruct Roadway
19	Scott/Center	0605	76193	Dumfries Road	Reconstruct Roadway
20	Scott	0600	71965	Broad Run Church Road	Reconstruct Roadway
21	Marshall	0734	11169	Washwright Road	Widen & Surface Treat
9999.99	T2729	4002		Countywide Pipe & Entrance	Countywide
9999.99	T2730	4003		Countywide Rural Addition	Countywide
9999.99	T2731	4004		Countywide - Subdivision Plan Review	Countywide
9999.99	T2732	4005		Countywide Engineering & Survey	Countywide
9999.99	T2733	4006		Countywide Fertilization & Seeding	Countywide
9999.99	T2734	4007		Countywide Traffic Services	Countywide
9999.99	T2735	4008		Countywide Right of Way	Countywide
9999.99	T2736	4009		Countywide Engineering	Countywide
9999.99	T2737	8888		Countywide Traffic Calming	Countywide
9999.99	T2738	8888		Future State Match - HES/RR Safety	Countywide E
9999.99	T2739	8888		Future Budget	Countywide
9999.99	T2739	8888		Items & Plant Mix	Countywide
9999.99	T2739	8888		Future Unpaved Funds: YR4-YR6	Countywide

UTILITY EASEMENTS FOR WARRENTON-FAUQUIER AIRPORT

A public hearing was held to consider granting easements for utility purposes to serve T-Hanger #4 at the Warrenton-Fauquier Airport. Mr. Graham summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO CONSIDER GRANTING UTILITY EASEMENTS FOR GAS AND ELECTRICAL SERVICES ASSOCIATED WITH THE CONSTRUCTION OF T-HANGAR #4 AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, as a part of the construction of T-Hangar #4 at the Warrenton-Fauquier Airport, it is necessary to provide utility easements for gas and electrical services for this facility; and

WHEREAS, on November 10, 2005, the Board of Supervisors held a public hearing to receive citizens' comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the County Administrator or his designee be, and is hereby, authorized to execute utility easement agreements for the construction of T-Hangar #4 at the Warrenton-Fauquier Airport.

ELECTRICAL SERVICE EASEMENT FOR THE JOHN BARTON PAYNE BUILDING

A public hearing was held to consider granting an easement for electrical service to the John Barton Payne Building. Mr. Graham summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. William G. Downey; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO CONSIDER GRANTING AN EASEMENT FOR ELECTRICAL SERVICES ASSOCIATED WITH IMPROVEMENTS TO THE JOHN BARTON PAYNE BUILDING

WHEREAS, as a part of the rehabilitation of the John Barton Payne Building, it is necessary to provide an easement for electrical services for this facility; and

WHEREAS, on November 10, 2005, the Board of Supervisors held a public hearing to receive citizens' comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2005, That the County Administrator or his designee be, and is hereby, authorized to execute a Right-of-Way Easement Agreement for the rehabilitation of the John Barton Payne Building.

With no further business, the meeting was adjourned at 8:05 PM, to reconvene on November 13, 2005, for Board members to attend the Virginia Association of Counties (VACo) annual meeting in Bath County, Virginia.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 10, 2005.

*Paul S. McCulla
Clerk to the Board of Supervisors*